

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00131-01-CR-W-FJG
)	
DENNY RAY HARDIN,)	
)	
Defendant.)	

ORDER

Currently pending before the Court is defendant's Motion to Dismiss for Lack of Territorial Jurisdiction (Doc. # 59), defendant's Motion to Dismiss (Doc. # 62), defendant's Motion for Statement of Jurisdiction (Doc. # 67) and defendant's Motion to Suppress Evidence (Doc. # 76).

On May 5, 2010, an Indictment was returned charging defendant with eleven counts of creating fictitious obligations in violation of 18 U.S.C. § 514, four counts of mail fraud affecting a financial institution, in violation of 18 U.S.C. § 1341 and six counts of mail fraud in violation of 18 U.S.C. § 1341. On June 6, defendant filed a Motion to Suppress (Doc. # 76). On June 23, 2011, United States Magistrate Robert E. Larsen conducted a hearing seeking clarification of the items defendant wished to suppress. During this hearing the defendant stated that he was challenging evidence and a statement obtained during the execution of two search warrants. Because Magistrate Larsen had issued the warrants, he referred the three challenges with regard to these warrants to United States Magistrate Judge John Maughmer. On August 10, 2011 Judge Maughmer held an evidentiary hearing regarding the possible suppression of

statements defendant made during the execution of two search warrants.

On July 28, 2011, United States Magistrate Judge John T. Maughmer entered a report and recommendation (Doc. # 134) which recommended denying that portion of Defendant's Motion to Suppress that challenged the validity of search warrants 08-SW-00132REL and 08-SW-00133REL issued by Chief Magistrate Robert E. Larsen. Defendant filed a document titled Finding of Moot (Doc. # 140). The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** that portion of Defendant's Motion to Suppress that challenges the validity of search warrants 08-SW-00132REL and 08-SW-00133REL (Doc. # 76).

On August 2, 2011, United States Magistrate Robert E. Larsen entered a report and recommendation (Doc. # 139) which recommended denying Defendant's Motion to Dismiss for Lack of Territorial Jurisdiction and denying as moot, defendant's Motion for a Statement of Jurisdiction. The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** defendant's Motion to Dismiss for Lack of Territorial Jurisdiction (Doc. # 59) and **DENIES AS MOOT** defendant's Motion for a Statement of Jurisdiction (Doc. # 57).

On August 4, 2011, United States Magistrate Robert E. Larsen entered a report and recommendation (Doc. # 142) which recommended denying Defendant's Motion to Dismiss (Doc. # 62). On June 13, 2011, defendant filed a Notice of Appeal (Doc. # 86) and the Government filed Suggestions in Opposition to this Appeal (Doc. # 102). The

Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** defendant's Motion to Dismiss (Doc. # 62).

On August 18, 2011, United States Magistrate Robert E. Larsen entered a report and recommendation (Doc. # 147) which recommended denying Defendant's Motion to Suppress. On August 23, 2011, defendant filed a document titled Finding of Moot (Doc. # 151). The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** defendant's Motion to Suppress (Doc. # 76).

On August 23, 2011, United States Magistrate John T. Maughmer entered a report and recommendation (Doc. # 150) which recommended denying that portion of Defendant's Motion to Suppress Evidence that sought suppression of Hardin's statements. On August 25, 2011, defendant filed a document titled Finding of Moot (Doc. # 154). The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the Magistrate's findings and conclusions. Therefore, the Court hereby **DENIES** that portion of Defendant's Motion to Suppress Evidence that sought suppression of Hardin's statements (Doc. #76).

Date: September 7, 2011
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge